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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,796	04/09/2004	Robert F. Snapp	08049.0937	8712
22852	7590	10/06/2008		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER ROBINSON BOYCE, AKIBA K	
			ART UNIT 3628	PAPER NUMBER
			MAIL DATE 10/06/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/820,796

**Applicant(s)**

SNAPP ET AL.

**Examiner**

AKIBA K. ROBINSON BOYCE

**Art Unit**

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 9-11, 24-26, 39-41 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Status of Claims***

1. Due to communications filed 6/26/08, the following is a final first office action. Claims 1, 5, 12, 16, 20, 27, 31, 35 and 42 have been amended. Claims 1-45 remain pending in this application and have been examined on the merits. Due to the amendment filed, the previous rejection has been withdrawn, and the following reflects claims as amended. Claims 1-45 are rejected as follows.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8, 12-23, 27-38, 42-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al (US 5,901,214).

As per claims 1, 31, Shaffer et al discloses:

receiving delivery data corresponding to a delivery point; determining if the delivery data includes a secondary element, (Col. 11, lines 34-40, further subdivide delivery point code (DPC) using USPS secondary address, where receiving is inherent with Shaffer et al since the delivery data must first be received in order to process by subdividing); and

the alternative delivery point code based upon the secondary element if the delivery data includes the secondary element, (Col. 11, lines 40-43, appending secondary address to end on DPC [delivery point code] results).

Shaffer et al does not specifically disclose "calculating", however does disclose in col. 11, lines 34-37 that the delivery point code is subdivided using the USPS secondary address to create a unique housing or business unit identifier, which therefore suggests "calculating" since the secondary address is appended to the subdivided DPC results.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to implement "calculating" with the motivation of performing the necessary computations needed to determine an alternative delivery point code.

As per claim 2 Shaffer et al discloses:

wherein the secondary element comprises at least one of a fractional number, a trailing alpha, a descriptor, and a secondary number, (Col. 11, lines 37-40, secondary address is stored as an eight character field).

As per claims 3 , 4, 18, 19, 33, 34, Shaffer et al discloses:

further comprising creating a normal delivery point code based upon the delivery data if the delivery data does not include the secondary element/ wherein the normal delivery point code comprises the two right-most digits in a primary address number of the delivery point, (col. 11, lines 44-45, 19 digit zip code).

As per claims 5, 20, 35, Shaffer et al discloses:

wherein calculating the alternative delivery point code further comprises:  
creating/create a random number based upon the secondary element; and

setting the alternative delivery point code equal to the created random number, (Col. 7, lines 35-43, line numbers being randomly distributed, w/ Col. 48, lines 31-57).

As per claims 6, 21, 36, Shaffer et al discloses:

wherein creating the random number further comprises initializing an alphanumeric field with blanks and a numeric field with zeros, the three element alphanumeric field comprising a first alphanumeric element, a second alphanumeric element, and a third alphanumeric element, and the three element numeric field comprising a first numeric element, a second numeric element, and a third numeric element, (Col. 49, lines 1-5, leading zero/blank character/"123").

As per claims 7, 22, 37, Shaffer et al discloses:

wherein creating the random number further comprises storing data associated with the secondary element in one of the three element alphanumeric field and the three element numeric field, (Col. 49, lines 32-49, shows use of records).

As per claims 8, 23, 38, Shaffer et al discloses:

wherein creating the random number further comprises converting the contents of the three element alphanumeric field to numeric data, (Col. 49, lines 15-19).

As per claims 12, 27,42, Shaffer et al does not specifically disclose the following:

wherein the random prime number is 47.

However, the nature of the facility and its particular industry is descriptive material and is not functionally involved in the recited steps of the method. Because it has no functional role in the method it is non-functional descriptive material, this descriptive material will not distinguish the claimed invention from the prior art in terms

of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983). MPEP 2106).

As per claims 13, 28, 43, Shaffer et al discloses:

wherein the normal delivery point code associated with the delivery point comprises the two right-most digits in a primary address number of the delivery point, (col. 11, lines 44-45, 19 digit zip code).

As per claims 14, 29, 44, Shaffer et al discloses:

wherein the alternative delivery point code is numeric, (Col. 49, lines 1-5,"123").

As per claims 15, 30, 45, Shaffer et al discloses:

wherein the alternative delivery point code comprises one of two digits and two alphanumeric characters, (Col. 49, lines 1-5,numeric fields/fields containing a letter)) .

As per claim 16, Shaffer et al discloses:

a memory storage for maintaining a database, (col. 2, lines 30-33, information retrieval, processing and storage/databases); and

a processing unit coupled to the memory storage, (Col. 2, lines 30-33, information processing and storage), wherein the processing unit is operative to

receive delivery data corresponding to a delivery point; determine if the delivery data includes a secondary element, (Col. 11, lines 34-40, further subdivide delivery point code (DPC) using USPS secondary address, where receiving is inherent with Shaffer et al since the delivery data must first be received in order to process by subdividing); and

the alternative delivery point code based upon the secondary element if the delivery data includes the secondary element, (Col. 11, lines 40-43, appending secondary address to end on DPC results).

Shaffer et al does not specifically disclose "calculate", however does disclose in col. 11, lines 34-37 that the delivery point code is subdivided using the USPS secondary address to create a unique housing or business unit identifier, which therefore suggests "calculate" since the secondary address is appended to the subdivided DPC results.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to "calculate" with the motivation of performing the necessary computations needed to determine an alternative delivery point code.

As per claims 17, 32, Shaffer et al discloses:

wherein the secondary element comprises at least one of a fractional number, a trailing alpha, a descriptor, and a secondary number, (col. 49, lines 1-2).

***Allowable Subject Matter***

4. Claims 9-11, 24-26, 39-41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

5. Applicant's arguments, see remarks, filed 6/26/08, with respect to claims 12, 27 and 42 have been fully considered and are persuasive. The 35 U.S.C. 112 rejection of claims 12, 27 and 42 has been withdrawn.

6. Applicant's arguments filed 6/26/08 have been fully considered but they are not persuasive.

Applicant argues that *Shaffer* merely describes obtaining a stored value (the secondary address) and appending it to the existing Zip Code, and *Shaffer* does not hint, however, performing any calculation in order to arrive at the described extended ZIP Code, and thus, *Shaffer* does not teach "calculating the alternative delivery point code based upon the secondary element," as recited in independent claims. However, as described above in the rejection, *Shaffer et al* does not specifically disclose "calculating", however does disclose in col. 11, lines 34-37 that the delivery point code is subdivided using the USPS secondary address to create a unique housing or business unit identifier, which therefore suggests "calculating" since the secondary address is appended to the subdivided DPC results.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not



mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the

•Patent Application Information Retrieval (PAIR) system, Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A. R. B.  
October 7, 2008

/Akiba K Robinson-Boyce/

Primary Examiner, Art Unit 3628